



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 11, 1997

Robert Paul Ritger, Esq.
Patton Boggs
2550 M. Street, N.W.
Washington, D.C. 20037

RE: MUR 3774

Dear Mr. Ritger:

This is in follow-up to our discussions during the depositions of William Harris and Jeb Hensarling regarding their assertion of the attorney-client privilege. As you may recall, during the May 19 deposition of William Harris we inquired into any information provided by counsel to Mr. Harris regarding a prior deposition in this matter. At the time, Mr. Harris elected not to respond to this line of questioning claiming that such information was privileged under the attorney-client privilege. It is our understanding that the scope of the attorney-client privilege protects communications from counsel to client -- only if such communications are based on confidential information provided by the client. *See Mead Data Central v. U.S. Dept. of the Air Force*, 566 F.2d 242, 254 (D.C. Cir. 1977), *see also Brinton v. Dept. of State*, 636 F.2d 600, 603 (D.C. Cir. 1980). Because the communications at issue were based on information known to the Commission and provided by counsel to Mr. Harris, and not any confidential information provided by the client, we do not believe that the attorney-client privilege attaches to these communications. Nonetheless, this Office does not intend to pursue this issue further.

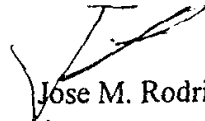
Concerning Mr. Hensarling's deposition of May 14, 1997, as you may recall, Mr. Hensarling claimed attorney-client privilege when asked about his discussion with Senator Phil Gramm regarding a February 12, 1995 Washington Post news article that quoted Senator Gramm as to the purpose of the funds given to the NRLC. However, during his separate deposition, Mr. Harris, who was a party to Mr. Hensarling's conversation with Senator Gramm, responded to questions regarding the same conversation. Based on Mr. Harris's testimony, our understanding is that Mr. Hensarling no longer claims a privilege concerning this conversation and that you will make him available for further questioning should the need arise. If your understanding is otherwise, please let me know by June 13, 1997.

Celebrating the Commission's 20th Anniversary

YESTERDAY, TODAY AND TOMORROW
DEDICATED TO KEEPING THE PUBLIC INFORMED

Should you have any questions, please contact me at (202) 219-3690.

Sincerely,



Jose M. Rodriguez
Attorney

cc: Robert Alan Dahl, Esq.